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Express Mailing Label No. EV 632 711 269 US

PATENT APPLICATION
Docket No: 13447.40

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
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)
 Daniel F. Justin et al.)
)
)
Serial No.: 10/749,346) Art Unit
) 3738
Filed: December 30, 2003)
)
Confirmation No.: 8202)
)
For: TIBIAL CONDYLAR HEMIPLASTY IMPLANTS,)
 ANCHOR ASSEMBLIES, AND RELATED METHODS)
)
Examiner: Alvin J. Stewart)

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that the following documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 26th day of August 2005.

- Transmittal Letter (3 pages) (in duplicate)
- Response to Restriction/Election Requirement (11 pages)
- Transmittal for Second Supplemental Information Disclosure Statement (3 pages)
- Second Supplemental Information Disclosure Statement (2 pages)
- Form PTO-1449 listing 6 references (2 pages)
- A copy of 3 Non-US references list on the Form PTO-1449
- Postcard

Respectfully submitted,

DANA L. TANGREN
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TRANSMITTAL FOR RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to Restriction/Election Requirement for entry in the above-identified application.

- Small entity status of this application under 37 C.F.R. § 1.9 and § 1.27 has been established by a verified statement previously submitted.
- To secure the approval of the Examiner for proposed amendments to the drawings, enclosed are the following:
- Set of _____ (_____) sheets of drawings containing Figures _____ including the proposed amendments therein; and

— A duplicate set of the _____ () sheets of drawings with the changes therein highlighted in red.

— To render the transmitted Amendment “___” and Response timely filed enclosed are the following:

— Petition for a _____ -Month Extension of Time; and

— Check No. _____ in the amount of \$ _____ to cover the fee for the extension of time.

X A Certificate of Express Mail Under 37 C.F.R. § 1.10.

X No fee is required.

The fee has been calculated as follows:

			SMALL ENTITY		LARGE ENTITY	
CLAIMS REMAINING AFTER	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDT'L FEE	RATE	ADDT'L FEE
TOTAL 38	MINUS 54	= 0	X		X	
INDEPENDENT 3	MINUS 6	= 0	X		X	
1 st PRESENTATION OF MULTIPLE DEPENDENT CLAIM			+ _____ =		+ _____ =	
			TOTAL		TOTAL	

— Check No. ___ in the amount of \$ ___ is enclosed to cover the additional claim fee.

— Please charge my Deposit Account No. 23-3178 in the amount of _____.

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.

X Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

X Any patent application processing fees under 37 CFR 1.17.

X A duplicate copy of this transmittal letter is attached.

Dated this 26th day of August 2005.

Respectfully submitted,



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RELATED METHODS)

Examiner: Alvin J. Stewart)

TRANSMITTAL FOR SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is a Second Supplemental Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

Statement of relevance of selected cited references not in the English language which are not translated.

Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

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OF COUNSEL

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- Form PTO-1449 listing 6 references submitted for consideration.
- A copy of 3 Non-US references listed on the Form PTO-1449.
- English translations of ____ (____) of the references listed on the Form PTO-1449 which are not in the English language.
- Copies of the following documents from the prosecution of a previous, related application:
 - Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Supplemental Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - Promptness Certification; or
 - Check No. _____ in the amount of \$____ constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - Promptness Certificate;
 - Petition for Consideration; and

Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

Petition to Withdraw from Issue; and

Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

Any fee required in relation to filing of this letter or any documents transmitted therewith.

The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

The submission fee set forth in 37 C.F.R. § 1.17(p).

The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 26th day of August 2005.

Respectfully submitted,



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